

Executive Orders 2020

Information

Governor Lee issued the following executive orders which have provisions applicable to nursing:

Executive Order # 36: <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee36.pdf>
Executive Order # 50: <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee50.pdf>
Executive Order # 59: <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee59.pdf>
Executive Order # 61: <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee61.pdf>
Executive Order # 63: <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee63.pdf>
Executive Order # 64: <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee64.pdf>

Provision 2. The relevant provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules are hereby suspended to the extent necessary to give the Commissioner of Health the discretion to allow a health care professional who is licensed in another state, and who would otherwise be subject to the licensing requirements under Title 63 or Title 68, to engage in the practice of such individual's profession in Tennessee, if such individual is a health care professional who is assisting in the medical response to COVID-19, including treating routine or other medical conditions. The Commissioner of Health shall provide the requisite form for practicing under this Paragraph on the Department of Health's Health Professional Boards webpage.

- *The application for Health Professional Practice by Executive Order may be found at : https://tennessee.na1.echosign.com/public/esignWidget?wid=CBFCIBAA3AAAblqZhBmNvat4cWwtf7NEdq-Q44sVjmQQmaf_CqRpRZeGpgnSbhWHI4Lh7AVtIFrS9cZiTY* (effective through October 30, 2020)*

Provision 7.16. Nursing graduates may practice under supervision without examination. The provisions of Tennessee Code Annotated, Title 63, Chapters 6 and 7, and related rules and policies are hereby suspended to the extent necessary to give the Commissioner of Health the authority and discretion to allow a person who has graduated on or after December 1, 2019, from an approved registered or practical nursing education program, and who has applied and fulfilled all other requirements for licensure as a nurse but has yet to take the National Council Licensure Exam (NCLEX), to practice nursing under the supervision of a licensed registered nurse.

- *Applicants graduating on or after December 1, 2019 who have been made eligible by the Board of Nursing to take NCLEX and have not tested may practice nursing under the supervision of a licensed registered nurse.*
- *A list of eligible applicants for licensure will be posted under the "Licensure" tab on the Board of Nursing website: <https://www.tn.gov/content/dam/tn/health/healthprofboards/nursing/Nursing%20Temp%20Auth%20to%20Practice.pdf> . Tennessee Board of Nursing Licensure Verification will display "Application in Process."*

- *Employers should verify graduation date with employees practicing under this Executive Order.*
- *Nursys.com will not display verification of this temporary authorization to practice.*

Provision 7.3. Retired medical professionals can easily reenter the health care workforce. The provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules and policies are hereby suspended to the extent necessary to give the Commissioner of Health the authority to grant a license, certificate, or registration to a healthcare professional, such as a retired healthcare professional, who has been out of practice for a period of time without requiring that individual to demonstrate continued competency or submit to an interview before a licensing board or other licensing authority, provided that the individual satisfies all other requirements for licensure, certification, or registration.

- *Applicants must submit a reinstatement application and meet requirements for licensure except for continued competency requirements.*

Provision 7.4. In-person and live continuing education requirements are suspended for health care professionals. The provisions of the rules and policies adopted pursuant to Tennessee Code Annotated, Titles 63 and 68, regarding continuing education credits and hours for health care professionals are hereby suspended to the extent necessary to suspend the requirement that any continuing education credits and hours be obtained in-person or at a live event for credit and hours earned from March 12, 2020, through the expiration of this Order. Such rules and policies are further suspended to the extent necessary to allow the Commissioner of Health to adopt policies necessary to comply with the suspension of in-person and live continuing education requirements, and the Commissioner of Health is hereby directed to adopt policies to that effect. Nothing in this provision suspends the requirements that health care professionals obtain a certain number of continuing education credits or hours.

- *Continued competency requirements must be met for renewal applications.*

Provision 7.6. Health care licensing inspections and investigations are suspended to increase resource available to fight COVID-19 and to protect public health. The provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules and policies are hereby suspended to the extent necessary to suspend any requirement that the Department of Health conduct inspections or investigations of a licensee, including, but not limited to, complaint investigations, routine surveys, and site visits. However, the Department of Health retains the authority to conduct any inspection or investigation when, in the Department's sole discretion, the public health, safety, or welfare necessitates such inspection or investigation.

- *Regularly scheduled and new school survey visits are suspended at this time.*

Provision 38. Telemedicine access is expanded. Health insurance carriers are urged to provide coverage for the delivery of clinically appropriate, medically necessary covered services via telemedicine to all providers, irrespective of network status or originating site. Providers are urged to follow the new guidance from the federal Centers for Medicare and Medicaid Services regarding equipment and

everyday communications technologies that may be used for the provision of telemedicine services. Carriers are urged not to impose prior authorization requirements on medically necessary treatment related to COVID-19 delivered by in-network providers via telemedicine. Health care professionals licensed in another state who are authorized pursuant to this Order to temporarily practice in this state are permitted to engage in telemedicine services with patients in Tennessee to the extent the scope of practice of the applicable professional license in this state would authorize the professional to diagnose and treat humans. Tennessee Code Annotated, Section 63-1-155(c)(3), is hereby suspended to allow telemedicine services by pain management clinics, as defined in Tennessee Code Annotated, Section 63-1-301 (7), and in the case of chronic nonmalignant pain treatment.

- *Those nurses permitted to practice in Tennessee by the Executive Order Application are permitted to engage in telehealth services with patients in Tennessee.*

Provision 38.1. All Licensed health care provider can practice telemedicine. The provisions of Tennessee Code Annotated, Section 63-1-155(a)(1), are hereby suspended to the extent necessary to allow telehealth or telemedicine services to be provided by any provider licensed under Title 63, regardless of the provider's authority to diagnose. This suspension does not otherwise alter or amend any licensee's scope of practice or record keeping requirements.

- *Extends telehealth services to include RNs and LPNs from March 12, 2020 through October 30, 2020.*
- *Telehealth exemption is for care of patients located in Tennessee.*
- *This provision does not allow for telehealth for patients in other states except as provided by a multistate compact license for RNs and LPNs according to laws of the compact state where the patient is located (no change).*

Executive Orders # 61 & #64 permit remote notarization and remote witnessing of Documents utilizing real-time audiovisual technology such as Skype, FaceTime, Zoom, WebEx, etc.